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7 Attorneys for Defendant
WASTE CONNECTIONS US, INC.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

12 ALFONSO DIAZ, on behalf of
13 himself and all others similarly
situuated,

14 Plaintiff,

15 v.

16 WASTE CONNECTIONS US, INC.,
a Delaware corporation; and DOES 1
17 to 10, inclusive,

18 Defendant.

Case No. 2-22-cv-01343-KJM-DB

**STIPULATION AND ORDER TO
STAY PROCEEDINGS AND
WITHDRAW DEFENDANT'S
MOTION TO DISMISS**

Date: October 28, 2022
Time: 10:00 a.m.
Dept.: Courtroom 27, 8th floor

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiff Alfonso Diaz (“Plaintiff”) and Defendant Waste Connections US, Inc.
3 (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of
4 record, hereby agree and stipulate as follows:

5 1. Upon approval of this Stipulation, Defendant withdraws its currently
6 pending motion to dismiss, or in the alternative, motion for a discretionary
7 stay, pursuant to the first-to-file rule (Dkt. Nos. 4, 4-1, 4-2, and 4-3)
8 without prejudice.

9 2. The Parties agree to stay the present action, including the Pre-Trial
10 Scheduling Status and Rule 26(f) Conference set for October 14, 2022
11 (Dkt. Nos. 14 and 15) until sixty (60) days after the completion of
12 mediation of the related matter of *Pedro Huerta v. Waste Connections US,*
13 *Inc., et al.* (California Superior Court, County of Kings, Case No. 21C-
14 0109) (“Huerta”), currently set for November 8, 2022, because resolution
15 in the *Huerta* matter will be useful to assist in resolving this case, in part
16 because resolution of the *Huerta* matter will impact the overlapping claims
17 between the present action and the *Huerta* matter, and will allow the parties
18 to avoid duplicative actions and motion practice.

19 **STIPULATED AND AGREED.**

20 **[SIGNATURES ON FOLLOWING PAGE]**

1 Dated: October 17, 2022

LITTLER MENDELSON, P.C.

3 */s/ Gregory G. Iskander*

4 Gregory G. Iskander

5 Daniel XuLi

6 Attorneys for Defendant

7 WASTE CONNECTIONS US, INC.

8 Dated: October 17, 2022

9 BRADLEY/GROMBACHER, LLP

10 */s/ Marcus Bradley*

11 Marcus Bradley

12 Kiley Grombacher

13 Lirit King

14 Attorneys for Plaintiff ALFONSO

15 DIAZ

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ORDER

Pursuant to the Parties' Stipulation, and good cause appearing, **IT IS HEREBY ORDERED THAT:**

1. This case is hereby stayed for all purposes, including the Pre-Trial Scheduling Status and Rule 26(f) Conference until sixty (60) days after the completion of mediation in *Pedro Huerta v. Waste Connections US, Inc., et al.* (California Superior Court, County of Kings, Case No. 21C-0109); and

2. Defendant's currently pending motion to dismiss, or in the alternative, motion for a discretionary stay, pursuant to the first-to-file rule (Dkt. No. 4, 4-1, 4-2, and 4-3) is withdrawn without prejudice.

3. The Parties shall file a status report on or before January 8, 2023.

DATED: October 25, 2022.

CHIEF UNITED STATES DISTRICT JUDGE